

### **REMARKS**

Claims 1-5, 7 and 9-16 are pending in this application (claims 1-4 and 7 have been withdrawn from consideration and claims 5, 6 (previously canceled) and 8 (previously canceled) have been rejected). By this Supplemental Amendment Applicant has made a minor clarifying change to claim 5. Claims 1 (withdrawn) and 5 remain independent.

The Examiner is respectfully requested to enter this Supplemental Amendment pursuant to M.P.E.P. § 714.03(a), which allows an Examiner to exercise discretion in this regard.

The revision to claim 5, which involves a slight different in the wording of the claimed gas accommodation part, does not alter the patentability arguments that were presented in the Amendment filed on June 12, 2008.

More specifically, with regard to the rejection of claims 5, 6 and 8 under 35 U.S.C. § 103(a) as being unpatentable over European patent publn. no. 0 924 081 to Muto in view of U.S. patent no. 5,136,309 to Iida et al., the rejection of claims 6 and 8 remains moot in view of the cancellation of those claims. As for the rejection of claim 5, that claim, as revised herein, now provides for an inner flexible partitioning member thermally welded to a welding portion provided in the inner space to define the liquid storage part, wherein a part of the gas accommodation part is defined between the inner flexible partitioning member and the outer flexible partitioning member. As previously noted, these features will be particularly clear in view of Figure 6 of this application, and the corresponding portions of the specification.

The change to claim 5 does not alter the patentability arguments that were presented in the June 12 Amendment. Muto still fails to suggest the claimed gas accommodation portion, and Iida does not remedy Muto's deficiency. So for all the reasons previously given, the Office Action fails to establish a *prima facie* case of obviousness, and therefore favorable reconsideration and withdrawal of that rejection are respectfully requested.

The change to claim 5 does not affect Applicant's response to the rejection claims 5, 6 and 8 under 35 U.S.C. § 103(a) as being unpatentable over U.S. patent no. 7,152,965 to Ishizawa et al. in view of Muto and Iida. Again, the cancellation of claims 6 and 8 renders moot the corresponding portions of this rejection. With regard to claim 5, as previously noted, the Office Action impermissibly relied upon Ishizawa, which, under 35 U.S.C. § 103(c), is not available as prior art. So for all the reasons previously given, favorable reconsideration and withdrawal of that rejection are respectfully requested.

Applicant respectfully submits that all outstanding rejections have been addressed and have been overcome. Applicant further submits that all claims pending in this application are patentable over the prior art. Accordingly, favorable consideration and prompt allowance of this application are respectfully requested.

No fees are believed to be due in connection with the filing of this paper. Nevertheless, should the Commissioner deem any additional fee(s) to be now or hereafter due in connection with this application, authority is given to charge all such fees to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicant's attorney at the number listed below.

Respectfully submitted,

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